

Applicant: Ruben and Veneranda Trujillo

Agent: Precision Surveys, Inc.

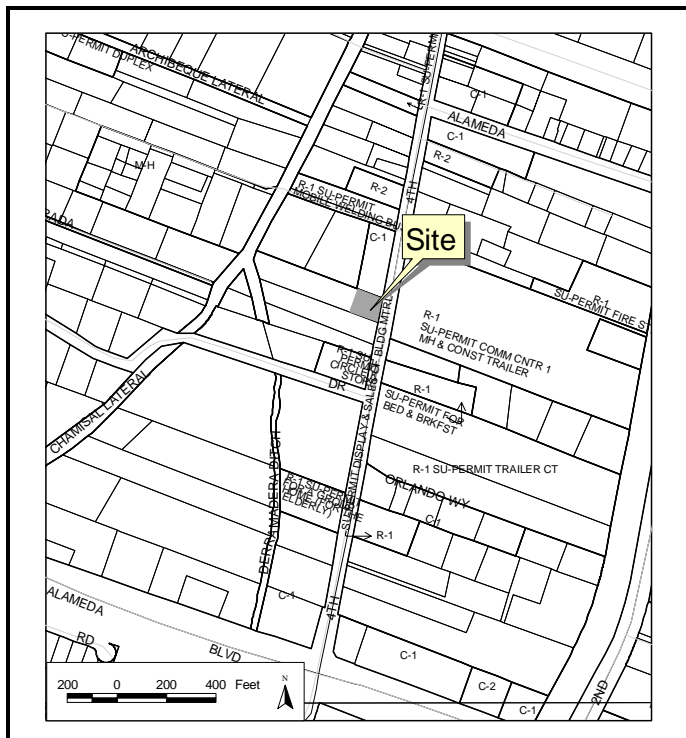
Location: 9807 4th St., NW

Property Size: .25 acres (approximately)

Existing Zone: R-1

Proposed Zoning/SUP Special Use Permit for Specific Use for Beauty Shop

Recommendation: Approval



Summary: This request is for a Special Use Permit for Specific Use for a Beauty Shop on a portion (approximately .25 acres) of a 1.24 acre (approximately) property on the west side of Fourth Street, about one-third mile north of Alameda Blvd. The Special Use Permit would allow the applicants' daughter to establish a beauty shop in the front part of the property and for their single family dwelling to remain in the rear.

Staff Planner: Catherine VerEecke, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Maps
3. Letter of support from Alameda North Valley Association
4. Site Plan

AGENDA ITEM NO.: 11
County Planning Commission
January 4, 2006

CSU-60003 Precision Surveys, Inc., agent for Ruben & Veneranda Trujillo, requests approval of a Special Use Permit for a Specific Use for Beauty Shop on the easterly portion of Tract 191A1B1B, MRGCD Map #23, located at 9807 4th Street NW, zoned R-1, containing approximately .25 acres. (B-16)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

| Site | Zoning | Land use |
|--------------|--|------------------------------------|
| | R-1 | Vacant & Single Family Residential |
| North | C-1 Special Use Permit for Self-storage | Theater Self-storage |
| South | R-1 | Single Family Residential |
| East | R-1 | Alameda Community Center |
| West | R-1/Special Use Permit for Community Center | Single Family Residential |

BACKGROUND:

The Request

The applicants are requesting a Special Use Permit for Specific Use for a Beauty Shop to be located within the easterly .25 acre (approximately) of a 1.24 acre parcel located on the west side of Fourth St., about one-half mile north of Alameda Blvd. At present, the applicants' property includes a 2600 square foot single family dwelling unit located towards the rear of the property and a large front yard which abuts Fourth St. The property has R-1 zoning. This request was originally for C-N zoning, but the applicant changed the request to a Special Use Permit for Specific Use (Beauty Shop) on the easterly portion of the property, based on staff's recommendation.

Request justification.

In the response to Resolution 116-86, the agent argues that the proposed land use change is appropriate for the property. It is consistent with the North Valley Area Plan policies for the Rural Area, which state a preference for new commercial uses in the Rural and Semi-Urban Area to be located in designated areas and for new businesses to be small-scale locally owned and operated. He states this will be a family business where the owner of the beauty shop will be assisted by her parents who will continue to reside on the property. There are no beauty shops in this area.

Surrounding Land Uses and Zoning

This property is located along Fourth St., to the north of Alameda Blvd., which has a wide variety of land uses and residential densities.

Five properties to the south of the subject site on the west side of Fourth St. have R-1 zoning. Three of the properties have residential uses, one of which has a house about two feet from the applicant's south property line. Another property to the south has R-1 zoning with a Special Use Permit for a Circle K Store, (CSU-71-71, which has been amended to allow a swimming school), and another property has a Special Use Permit for a Group Home for the Elderly (CSU-40024). Further south, extending to Alameda Blvd., properties have C-1 zoning, and include professional offices and the Alameda Elementary School.

The property to the immediate north of the site has C-1 zoning in the front with the Adobe Theater on it. Behind the theater is a residence and to the north of these uses is a mini-storage business under one Special Use Permit (CZ-94-31, CZ-99-15), all with one owner. Further north of this property is a Mobile Welding Business under a Special Use Permit (CZ-96-12). Beyond this business to the north, most properties have residential uses.

On the east side of Fourth St. extending south toward Alameda Blvd., several properties have Special Use Permits or C-1 zoning. The uses include the Alameda Community Center (CSU 82-40) to the immediate east, equipment and material sales (CSU 90-35), an old mobile home park, and a bed and breakfast house (CZ-94-12). The properties adjacent to the mobile home park with C-1 zoning have apartments and single family dwellings on them. The area to the north of the Community Center nearby Alameda Rd. has a mixture of high-density single and multi-family residential uses and a few commercial properties with C-1 zoning

To the west of the subject site, nearby the Chamisal Lateral, a majority of properties consist of

larger lots with residential uses under mainly R-1 zoning. Several parcels are vacant or are under cultivation. It appears that a few of the property owners have sought zone changes in this area, but were denied (e.g., CZ-91-4). Further north, on the west side of Fourth Street, the area is primarily residential, with smaller, mainly R-1 zoned lots.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

Policy 3.a of the Plan (Land Use) states that “Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.”

Policy 3.g states that the following policies shall guide commercial development in rural areas:

- Small-scale, local industries which employ few people and may sell products on the same premises are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional-scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

Centers and Corridors Section

County Planning Commission and Extraterritorial Land Use Commission recommended adoption of the additional Plan section on September 10, 2001. The Board of County Commissioners and Extraterritorial Land Use Authority adopted the Centers & Corridors section on January 22, 2002.

The 2002 Amended Comprehensive Plan (Centers and Corridors Map) designates the Second St. and Fourth St. area along Alameda Blvd. as a “Rural Village Center” and the area to the west of the Rio Grande as a “Regional Center.”

Activity Centers

The Goal is to expand and strengthen concentrations of moderate and high-density mixed land uses and social/economic activities which reduce urban sprawl, auto travel needs, and service cost, and which enhance the identity of Albuquerque and its communities. The Plan identifies four types of Activity Centers, which are shown on the Centers and corridors Map. These are: 1) major activity centers; 2) community activity centers; 2) specialty activity centers; neighborhood activity centers; and 4) rural village activity centers. Of these, neighborhood activity and rural village activity centers might apply to areas in the North Valley.

Rural Village Activity Center. These Activity Centers exist at several locations in the unincorporated areas of Bernalillo County. They are designated to serve daily convenience goods and service needs of residents living in the surrounding Rural and Semi-Urban Areas. Similar to Neighborhood Activity Centers in the Urban Area, Rural Village Centers are usually only a few acres in size, located on an arterial street or highway, and should ultimately contain a mix of small scale retail and service uses such as grocery stores, restaurants, gasoline service stations, hardware stores and offices, as well as some housing within walking distance of the other uses.

According to Table 10 in the Comprehensive Plan (Activity Centers), a Rural Village Center provides a location for the daily goods and service needs of surrounding rural communities. It should be accessible by vehicle, located on an arterial street, afford opportunity to walk safely from one use to another, proximate use on the same side of roadway, and include pedestrian and non-motorized travel amenities. It should be in scale with surrounding rural character and market.

Policy 7.a (Activity Centers) states "Existing and proposed Activity Centers are designed by a by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost effectiveness of City services. Each activity center will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation."

Policy 7.e states new Activity Centers are designated and added to the Comprehensive Plan through local government review and approval based on specific criteria.

Policy 7.h states "Changing zoning to commercial, industrial or office uses for areas outside the designated Activity Centers is discouraged."

North Valley Area Plan

This property is located within the Rural area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 2.2.d (Land Use) of the Plan states that “the County and City shall retain the low density character of the North Valley and that the minimum lot area for R-1 zoned land in the Rural area should be three-quarters of an acre.”

Policy 3.a (Land Use) states that “the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors.”

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

Alameda Sub-Area. The property is located in the Alameda Sub-area of the North Valley Area Plan. This area is predominantly rural, but with a trend toward higher residential density and some non-residential development, particularly nearby Second Street and Fourth Street along Alameda Blvd. and on Fourth Street.

The “Trend Scenario” of the Plan suggests that new zone changes to commercial uses could have the effect of destabilizing residential areas and increasing traffic, and could result in strip commercial streetscape.

Both the “Comprehensive Plan Scenario” and the “Preferred Scenario” of the Plan call for the present zoning pattern to guide future land uses and for commercial development to be restricted to the existing businesses, clustered at Fourth and Second Streets and Alameda Blvd.

Specifically, the Plan states for the Alameda Area, “Long narrow parcels between Fourth and Second Streets should develop as zoned with cluster housing, conventional housing, or mobile home parks.” New commercial development would be clustered at the major intersections of Alameda Blvd. and Second or Fourth Streets.

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.

- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose such conditions and limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
 3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones;
 4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

ANALYSIS:

Surrounding Land Use and Zoning

The proposed use (beauty shop) for the subject property appears to be compatible with the specific residential and commercial uses nearby the property along Fourth St. that exist under R-1 and C-1 zoning or Special Use Permits. The property to the north and northwest of this proposed development houses the Adobe Theater and Self Storage under C-1 zoning and a Special Use Permit. The properties to the east across Fourth St. include the community center, a bed and breakfast, and multi-family housing. The property to the immediate south has R-1 zoning with a single family dwelling on it. The requested Special Use Permit could thus create a transition between these zones and land uses while limiting the allowed uses and prescribing conditions of approval.

Plans

The request is consistent with the Comprehensive Plan and the North Valley Area Plan land use designations and policies that both call for the vicinity of the site as predominantly residential and rural but allow for small scale commercial activities in designated Rural Village Centers. It appears from the 2002 Centers and Corridors Plan of the Albuquerque/Bernalillo

County Comprehensive Plan that this property falls within the “Second to Fourth St. Rural Village Center”. The request is also consistent with the plan’s policies that support development of locally-owned and operated businesses. This property is not within the boundary of the Alameda Design Overlay Zone (DOZ). However, it does fall within the general area of Character Zone 2 –Second to Fourth Street “Village Center.”

Zoning Ordinance

This request appears to be consistent with Resolution 116-86. There have been several recent changes in the immediate vicinity of the site along Fourth St., including the development of the Alameda Community Center and a mini-storage business.

The property is located in the Rural Area of the Comprehensive Plan and the North Valley Area Plan, which suggest that this Area should retain its rural, residential character and should not allow new permanent zone changes or special use permits for industrial or heavy commercial uses. This request will help retain the rural, low-density character of the area by retaining the existing residential dwelling unit and landscaping on the property, and the commercial use will be of relatively low intensity with a limit on the number of employees. The North Valley Area Plan, the Albuquerque/Bernalillo County Comprehensive Plan, and the Alameda Design Overlay Zone all recognize the area nearby Fourth St. and Alameda Blvd. as an existing rural village center (commercial). The proposed use is consistent with this designation.

Also related to this request for a Special Use Permit for Specific Use, the request for this request and the associated property appears to be unique in that this is a long and narrow lot, which can accommodate both the proposed business and the applicants’ residence.

Planning staff notes that additional evidence of neighborhood support should be provided as only one property owner/resident within 200 feet has signed in favor of the request, which is required for a Special Use Permit for Specific Use. (Others are from outside the 200 foot area.)

Planning staff also noted during a site visit that the fencing shown on the site plan is incorrect. There is a chain link fence along the east/front property line (not shown on the plan), and there is a solid wall along the south property line (not a chain link fence as shown on the plan). This needs to be corrected, and the correct height of the fencing or wall must also be shown. The site plan must also show proposed lighting, which must be designed so as minimize light trespass.

Agency Comments

Most departments and agencies either have no comments or did not provide any comments on this request. Environmental Health staff comments indicate that the new structure must be connected to City water and sewer and the business owner must contact the pre-treatment engineer in the Office of Environmental Health regarding discharge from the salon. Public Works staff comments state that if the property is subdivided, the access to the rear portion of the lot would need to meet County road standards. A grading and drainage plan will be required for the new development.

If the request is approved, the conditions of approval might need to be modified or added to accommodate the presence of the driveway/access easement within the subject property as regards paving, landscaping, and fencing.

Analysis Summary

| Zoning | |
|----------------------|--|
| Resolution 116-86 | Special Use would provide a transition between adjacent uses, and there are changed neighborhood conditions. Provides a transition between commercial and residential uses. Unique conditions exist with the property. |
| Requirements | Comply with commercial zoning requirements for setbacks, landscaping, and parking. |
| Plans | |
| Comprehensive Plan | Consistent with designation of the area of the site within the Second to Fourth St. Rural Village Center. |
| Area Plan | Will allow development of a small locally owned and operated business. |
| Other Requirements | |
| Environmental Health | Comply with relevant departmental requirements. Connect to Albuquerque/Bernalillo County sewer and water as prescribed in the availability statement. |
| Public Works | Comply with County Road standards, grading and drainage plan, as needed. |
| Other | Fencing/wall needs to be corrected on site plan. |

Conclusion

It appears that the current request is appropriate for this site and its vicinity. It will help retain the residential, rural character that characterizes this portion of the North Valley, while at the same time initiating a non-residential use that is compatible with the commercial, office, and multi-family uses in this particular area. Conditions of approval would help to minimize the impact of the use on the residences to the south and west of the site and on the neighborhood in which the business will be located. Comments of planning staff must be addressed prior to approval of this request.

The Alameda North Valley Association supports this request with conditions of approval (Attachment 3).

FINDINGS:

1. This is a request for the approval of a Special Use Permit for a Specific Use for Beauty Shop on the easterly portion of Tract 191A1B1B, MRGCD Map #23, located at 9807 4th Street NW, zoned R-1, containing approximately .25 acres.
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The request is in the "Second to Fourth St. Rural Village Center" designated in the Albuquerque/Bernalillo County Comprehensive Plan and the Alameda Design Overlay Zone.
4. This request is consistent with Resolution 116-86 in that changed community conditions, including commercial development next to the site, justify the land use change.
5. This request has substantial neighborhood support.
6. The request for the Special Use Permit is unique in that the applicants' property is long and narrow so that there is sufficient room to accommodate the single family residence and the proposed business.
7. This request is consistent with the health, safety, and general welfare of the residents of the County.

RECOMMENDATION:

Approval, based on the above Findings, with the following Conditions of Approval.

Catherine VerEecke
Program Planner

CONDITIONS:

1. The number of employees shall be limited to three, including the business owner.
2. Hours of operation shall be limited to 10 a.m. to 7 p.m. Monday to Saturday.
3. Lighting shall be site specific. Shielded or cutoff lighting fixtures shall be provided so that no fugitive light crosses into adjacent lots.
4. The applicant shall obtain a building permit/business license for the proposed Beauty Salon from the Zoning, Building, and Environmental Health Planning Department.
5. Signage shall not exceed a total of 16 square feet. The sign shall not be illuminated outside of business hours. A sign permit shall be obtained from the Zoning, Building, and Environmental Health Planning Department.
6. There shall be a six-foot high solid wall along the property lines abutting residential uses.
7. There shall be a 10 foot landscape setback along Fourth St. and a 6 foot wide landscaped buffer between the existing business and the adjacent residential properties to the south and west.
8. A grading and drainage plan shall be submitted for review and approval to Bernalillo County Public Works. A copy of the approval shall be submitted to the Zoning, Building, and Environmental Health Planning Department.
9. The applicant shall connect the business to City water and sewer service.
10. Conditions 4-9 shall be met within one year of the final Board of County Commissioners' approval.
11. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
12. The Special Use Permit shall be issued for ten (10) years.
13. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months after the final Board of County Commissioners' approval.
14. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No comments received.

Environmental Health:

1. City of Albuquerque water and sewer account is 23013246.
2. Upon development the "Salon" must connect to City of Albuquerque Water and Sewer with its own account. Proof of connection must be provided to Bernalillo County EH Office.
3. Upon development the "Salon" must comply with all requirements of Bernalillo County EH Office and the State of NM.
4. Contact the Pretreatment Engineer with COA for discharging of salon waste into the drains and sinks.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.

There are no zoning violations. Plans as submitted are meeting the required zoning ordinances.

Fire:

No comments received.

Public Works:

DRAN: This property is subject to the Bernalillo County code chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.

DRE:

Should this property be subdivided, the applicant shall be required to provide an adequate access easement which meets Bernalillo County Standards.

Parks & Recreation:

No adverse comments at this time.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comment.

COUNTY PLANNING COMMISSION
JANUARY 4, 2006
CSU-60003

AMAFCA:

No comment.

City Planning Department:

No comments received.

City Public Works:

Transportation Planning: No comments received.

Transportation Development: No comments received.

Water Resources: No adverse comments, existing water/sewer account will need to be converted to Commercial unless a new separate account is established for Beauty Shop.

City Transit:

No objection.

City Open Space:

For all cases for the January 4, 2006 hearing Open Space has no adverse comment.

NMDOT

No comments.

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association